

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF THE
EXTRADITION OF TOMMY MOLINA

4:23MJ3071

ORDER OF DETENTION

A hearing was held on Defendant's opposition to detention in these extradition proceedings. The parties submitted documentary evidence and testimony was elicited. The standard for release on bail for persons involved in foreign extradition proceedings is more demanding than that for defendants accused on crimes in the United States. There is a presumption of detention, and the accused bears the burden of proving "special circumstances" justify his release. Wright v. Henkel, 190 U.S. 40 (1903); Hu Yau-Leung v. Soscia, 649 F.2d 914 (2d Cir. 1981).

For the reasons stated on the record, the court finds that Defendant has failed to show sufficient "special circumstances" to allow his release. Specifically, while Defendant has health issues, they are not severe, and there is no showing that his health will seriously deteriorate if he is detained. Any claim that detention pending surrender will be unduly long is speculative.


Accordingly,

IT IS ORDERED:

- 1) The above-named defendant shall be detained.
- 2) Defendant is committed to the custody of the United States Marshal to await the Secretary of State's final determination regarding surrender.

Dated August 7, 2023.

BY THE COURT:


Cheryl R. Zwart
United States Magistrate Judge